

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL P. and SHELLIE GILMOR,)
et al.,)

Plaintiffs,)

vs.)

PREFERRED CREDIT CORP., et al.,)

Defendants.)

Case No. 10-0189-CV-W-ODS

ORDER GRANTING MOTION TO DISMISS CDC MORTGAGE CAPITAL, INC.
WITHOUT PREJUDICE

Plaintiffs' Motion to Dismiss CDC Mortgage Capital, Inc. ("CDC") is granted, and CDC is dismissed without prejudice.

Under the circumstances, the Court does not believe additional notice, a hearing, or any other procedure is required under Rule 23. Specifically, the basis for the dismissal – that CDC did not make or acquire any second mortgage loans – suggests there is nobody to whom notice can, much less needs to be, provided.

IT IS SO ORDERED.

DATE: October 20, 2011

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT